

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JESSE McNEELEY,)
)
Petitioner,)
)
v.) CAUSE NO. 3:14-CV-1702 RM
)
SUPERINTENDENT,)
)
Respondent.)

OPINION AND ORDER

Jesse Mcneeley, a *pro se* prisoner, filed an amended habeas corpus petition trying to challenge a prison disciplinary hearing (WCC 12-12-395) that was held on January 17, 2013, where the Disciplinary Hearing Body (DHB) found him guilty of possessing a controlled substance in violation of B-202 and deprived of 90 days earned credit time and demoted him to Credit Class 2. In McNeeley v. Superintendent, 3:13-CV-401 (N.D. Ind. filed May 13, 2013), Mr. Mcneeley challenged the same prison disciplinary hearing that he is challenging in this petition. That habeas corpus petition was dismissed with prejudice on January 28, 2014. This is a successive habeas corpus petition.

This court doesn't have jurisdiction to hear an unauthorized successive habeas corpus petition. See Burton v. Stewart, 549 U.S. 147, 157 (2007). Regardless of whether the claims that are asserted now are new or whether they were presented in his previous petition, this petition must be dismissed because it hasn't been authorized by the Seventh Circuit. "A district court must dismiss a second or successive petition . . . unless the court

of appeals has given approval for its filing." Nunez v. United States, 96 F.3d 990, 991 (7th Cir. 1996) (emphasis in original).

For the forgoing reasons, the petition is **DISMISSED** for want of jurisdiction.

SO ORDERED.

ENTERED: August 25, 2014

/s/ Robert L. Miller, Jr.
Judge
United State District Court